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Office of Regulatory Policy
Food and Drug Administration
10903 New Hampshire Ave., Bldg. 51, Rm. 6222
Silver Spring, MD 20993-0002

Attention: Beverly Friedman

Dear Ms. Axelrad:

Transmitted herewith is a copy of the application for patent term extension of U.S. Patent No. RE38,551. The application was filed on December 23, 2008, under 35 U.S.C. § 156. Please note that Applicant has also applied for extension for U.S. Patent No. 5,654,301 for NDA No. 22-254 pursuant to the provisions of 37 C.F.R. § 1.785.

The patent claims a product that was subject to regulatory review under the Federal Food, Drug and Cosmetic Act. Subject to final review, the subject patent is considered to be eligible for patent term extension. Thus, a determination by your office of the applicable regulatory review period is necessary. Accordingly, notice and a copy of the application are provided pursuant to 35 U.S.C. § 156(d)(2)(A).

Inquiries regarding this communication should be directed to the undersigned at (571) 272-7755 (telephone) or (571) 273-7755 (facsimile).

Mary C. Till
Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

cc: Kevin G. Shaw
Hogan & Hartson, LLP
555 Thirteenth Street, N.W.
Washington, DC 20004

RE: VIMPAT® (lacosamide) Tablet
Docket No. FDA-2009-E-0173